

PRIVACY CONCERNS AND REDACTION

(a) Privacy In General. Pursuant to the Judicial Conference Policy on Privacy and Electronic Access to Case Files, and the E-Government Act of 2002, Pub. L. No. 107-347, effective April 16, 2003, when filing documents, counsel and the Court shall omit or, where reference is necessary, partially redact the following personal data identifiers from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the Court orders otherwise:

- (i) Minors' names: In criminal actions, use the minors' initials; in civil actions use initials when federal or state law require the use of initials, or when the specific identity of the minor is not necessary to the case or individual document;
- (ii) Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;
- (iii) Social Security numbers: Use only the last four numbers;
- (iv) Dates of birth: Use only the year;
- (v) Home addresses in criminal cases only; use only the city and state; and
- (vi) All other circumstances: Redact when federal law requires redaction.

(b) Order Required for Other Redactions. No other redactions are permitted unless the Court has authorized the redaction. Counsel has the responsibility to be cognizant of federal privacy law and, when appropriate, state privacy law. Moreover, counsel should recognize proprietary or trade secret information that is protected from dissemination by law. When counsel seeks to submit protected information, a protective order or order authorizing redaction should be sought. A party that makes a redacted filing may also file an unredacted copy under seal if the Court so orders. The unredacted copy will be retained by the Court under seal as part of the record.

(c) Reference List for Redacted Documents. If the Court so orders, a filing that contains redacted information may be filed together with a reference list that identifies each item of redacted information and specified an appropriate identifier that uniquely corresponds to each item of redacted information listed. The reference list must be filed under seal and may be amended as of right. All references in the action to the identifiers included in the reference list will be construed to refer to the corresponding items of information.

(d) Submission of Unredacted Documents. Pursuant to the terms of a protective order or applicable law, counsel may seek to submit an unredacted document containing protected information for review by the Court. In such an event, counsel is required to file a motion to file the document under seal. See L.R. 39-141. If the Court grants the motion, counsel shall then submit the unredacted paper document to the Clerk's Office for review by the Court. The paper document must have a cover page with the caption and number of the action and a prominent designation stating the following: "Document filed under seal."

(e) No Sua Sponte Sealing or Redaction. Neither the Clerk's Office nor the Court will review filed documents for compliance with privacy or other protective law, nor will the Court as a matter of course seal on its own motion documents containing personal data identifiers, or redact documents, whether filed electronically or on paper. No procedure set forth herein will excuse a violation of privacy or other law by counsel or party.

(f) Redaction Exceptions. Filings of administrative transcripts, see L.R. 31-138(b), need not be redacted to comply with this Rule. Filings of official records of a state court proceeding in an action removed to federal court need not be redacted. In a civil or criminal forfeiture proceeding, financial account numbers that identify the property alleged to be subject to forfeiture need not be redacted.